

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Travis Parry

Confirmation No.: 5600

Application No.: 09/800,854

Examiner: Eng, George

Filing Date: March 7, 2001

Group Art Unit: 2643

Title: SYSTEM AND METHOD FOR PROVIDING CUSTOMER SUPPORT

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 11-30-2004.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Travis Parry

Serial No.: 09/800,854

Filed: March 7, 2001

For: **System and Method for Providing
Customer Support**

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) Group Art Unit: 2643
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) Examiner: Eng, George
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) HP Docket No. 10003552-1
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APPEAL BRIEF UNDER 37 C.F.R. §1.192

Mail Stop Appeal Brief - Patents:
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is an appeal from the decision of Examiner George Eng, Group Art Unit 2643,
of July 30, 2004 (Paper No. 10), rejecting claims 1, 6, 15, 17, and 19-28 in the present
application and making the rejection FINAL.

02/07/2005 HDEMESS1 00000015 082025 09800854

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I. REAL PARTY IN INTEREST

The real party in interest of the instant application is Hewlett-Packard Development
Company, a Texas Limited Liability Partnership having its principal place of business in
Houston, Texas.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF THE CLAIMS

Claims 1, 6, 15, 17, and 19-28 are pending in the present application.

IV. STATUS OF AMENDMENTS

No amendments have been made or requested since the mailing of the FINAL Office Action and all amendments submitted prior to the FINAL action have been entered. A copy of the currently pending claims is attached hereto as Appendix, section IX.

V. SUMMARY OF THE INVENTION

The present invention is generally directed to a system and method for providing customer support to a peripheral device user at the peripheral device.

With regard to independent claim 1, and with reference to FIGS. 6A-6C and pages 11-16 of the specification, a method (100) for providing customer support to a peripheral device user is described whereby a customer contacts a customer service representative (CSR) (602) through use of his or her peripheral (102), and establishes a dialog with the CSR using video and audio information to explain a problem the customer is experiencing with the peripheral (604-608). Status and settings data about the peripheral device is passed from the peripheral device to the CSR during the active dialog between the CSR and customer (624), which enables the CSR to consult the customer regarding correction of the problem (638).

With regard to dependent claim 6, the method of claim 1 is described with an additional feature of permitting the CSR to make setting changes while the dialog is active, thus enabling feedback between the CSR and the customer (632) during diagnosis of any problems. Support for this feature can also be found in the specification on pages 11-16.

With regard to independent claim 15, a system for providing customer support to a user of a peripheral device is described. Support for the claimed features can be found in FIGS. 1-5, and in the specification on pages 4-10. In short, the system 100 comprises, in one embodiment, a peripheral device 102 that comprises a web server module 224 and a customer support unit 104. The web server module 224 generates a web page that includes status and settings information about the peripheral device 102. Such information can be viewed by a customer service representative (CSR) while communicating with the customer through the customer support unit 104, enabling diagnoses of any problems the customer is experiencing with the peripheral device 102. The customer support unit 104 comprises a speaker 214 and display 208 for presenting audio and video, respectively, of a customer support representative (CSR). The customer support unit 104 also comprises a microphone 212 and a video camera 210 that capture the audio and video of the customer, respectively. Communication between the CSR and the customer over a network is enabled by a network interface device 216.

With regard to dependent claim 17, the network interface device 216 is embodied as a modem, as described on page 6, line 19.

With regard to dependent claim 19, the system 100 is described as further including a communications module 222 to facilitate communications between the system and a CSR (see page 7, lines 4-7).

With regard to independent claim 20, a printer is described that includes similar features to those described in association with the system described in claim 15. Support for

the features provided in claim 20 can be found on pages 4-7, corresponding to FIGS. 1-2.

With regard to independent claim 21, a method for providing customer support to a peripheral device user is described, including features found in independent claim 1 (with support found in FIGS. 6A-6C and pages 11-16 of the specification), in addition to features that include providing configuration information about the peripheral device 102 to the CSR (624, and page 14, lines 15-20) and transmitting CSR communications to the user and vice versa through the peripheral device 102 via the customer support unit 104 (604-608, pages 12, line 1 to page 13, line 5).

With regard to dependent claim 22, the communications are embodied as audio and video data (page 12, line 12).

With regard to dependent claim 23, the feature of providing configuration information occurs through the use of a web site generated by a web server 224 at the peripheral device 102 (see FIG. 3, page 7 line 11 through page 8 line 8).

With regard to dependent claim 24, the feature of permitting a CSR to change a setting on the peripheral device has support in the specification on pages 11-16.

With regard to dependent claim 25, a peripheral device is described having a scanner 204 (page 6, lines 8-10), an embedded web server 224 configured to collect and post peripheral device configuration information (FIGS. 2 and 3, page 7 line 11 through page 8 line 8), and a customer support unit 104 (page 6, lines 12-23) that facilitates communications between the peripheral device user and a CSR and which includes a microphone 212 to collect user voice data, a speaker 214 to emit CSR voice data, and network interface devices 216 to enable transmission of the data between the user and the CSR.

With regard to dependent claim 26, the embedded web server 224 is described as being configured to receive remote commands from the CSR to change peripheral device

settings (see page 10, lines 5-23).

With regard to dependent claim 27, the customer support unit 104 is described as including a camera 210 to collect video data of the user (page 6, line 15-17).

With regard to dependent claim 28, the customer support unit 104 is described as including a display 208 that displays video data of the CSR (page 6, lines 12-15).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 6, 15, 17, and 19-28 are pending in the application. The FINAL Office Action mailed July 30, 2004, rejected claims 1, 6, and 21-22 under 35 U.S.C. §103(a) as being unpatentable over *Ulinski* (U.S. Pat. No. 5,325,156) in view of *Peters* (U.S. Pat. No. 5,769,269). Claims 15, 17, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ulinski* in view of *Peters* and *Lee* (U.S. Pat. No. 6,542,897). Claims 23-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ulinski* in view of *Peters* and *Houghton, et al.* ("Houghton," U.S. Pat. No. 6,009,153). Claims 25-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Houghton* in view of *Peters*. A response after final mailed on August 31, 2004 requested reconsideration of the rejections to claims 1, 6, 15, 17, and 19-28. An Advisory Action mailed on November 12, 2004 indicated that the request for reconsideration was considered but did not place the application in condition for allowance. For the reasons set further herein, Applicant respectfully requests that these rejections be overturned.

VII. ARGUMENT

A. Discussion of Independent Claims 1, 6, and Corresponding Dependent Claims 21-22

Applicant's independent claims 1 and 21 describe methods for providing customer

support to a peripheral device user. Specifically, those claims provide (emphasis added):

1. A method for providing customer support to a peripheral device user, comprising the steps of:

receiving a request from a user to *contact a customer support representative* with a customer support unit integrated with a peripheral device that is one of a printer, photocopier, facsimile machine, scanner, digital sender, or multifunction peripheral;

establishing a *communications link between the customer support representative and the user* with the customer support unit;

transmitting audio and video communications between the customer support representative and the user while the user is at the peripheral device via the customer support unit; and

presenting status and settings information from the peripheral device to the customer support representative while the communications link is active to *enable the customer support representative to consult the user* as to how the user can correct a problem with the peripheral device.

21. A method for providing customer support to a peripheral device user, comprising:

receiving a customer support request from a peripheral device user input by the user into the peripheral device that is one of a printer, photocopier, facsimile machine, scanner, digital sender, or multifunction peripheral;

establishing a communications link between a customer support representative and the user with a customer support unit that is integrated with the peripheral device in response to the received support request;

providing configuration information about the peripheral device to the customer support representative while the communications link is active, the information being provided directly by the peripheral device;

transmitting communications of the customer support representative to the user while the user is at the peripheral device via the customer support unit; and

transmitting communications of the user to the customer support representative while the user is at the peripheral device via the customer support unit.

With regard to claim 1, it is clear that the method described in claim 1 is directed to providing customer support in the form of communication between a user and a customer support representative. The *Ulinski* system does not provide that type of customer support. Specifically, *Ulinski*'s system only conveys information from a reproduction machine to a host computer for *automated diagnosis* of problems experienced by the machine using

diagnostic subroutines.

Because the *Ulinksi* system is an automated system in which the machine user “interacts” with a computer instead of a customer support representative (*i.e.*, a human being), it is clear that *Ulinksi* does *not* disclose, teach, or suggest “receiving a request from a user to contact a customer support representative”, “establishing a communications link between the customer support representative and the user with the customer support unit”, or “presenting status and settings information . . . to enable the customer support representative to consult the user as to how the user can correct a problem with the peripheral device,” as required by claim 1.

The Advisory Action also acknowledges this distinction on Page 2, section 1 (emphasis added) by noting that “the previous Office action clearly state that *Ulinksi* teaches to establish a communication link between the customer support representative site...” It is noted that the term “site” was not included on page 2, section 3 of the final Office Action, which states in part (emphasis added):

Regarding claim 1, *Ulinksi* discloses a method for providing customer support to a peripheral device user comprising the steps of receiving a request from a user to contact a customer service representative with a customer support unit...

If “site” was intended, Applicant respectfully submits that the intent was not made clear in the final Office Action.

Applicant contends that the combination of *Ulinksi* and *Peters* is improper. The final Office Action provides (Page 3, section 3) as follows:

Ulinksi differs from the claimed invention in not specifically teaching the customer support unit capable of performing audio and video communications. However, *Peters* teaches a vending system integrated with customer support unit capable of providing audio and video communications

between customer and customer service representative during abnormal operations (col. 8 line 63 through col. 9 line 18 and col. 15 line 27 through col. 16 line 15). *Ulinski* and *Peters* are combinable because they are in the same field of endeavor, i.e., establishing a communication between customer and customer service representative.

The combination is not proper given that *Ulinski* actually *teaches away* from facilitating communications between a customer and a customer support representative. As is explicitly stated by *Ulinski* (column 6, lines 25-34):

The foregoing system provides for the quick and accurate initiation of a service call automatically, *without the need for oral communication*. Thus, any errors that could result from such oral communications are substantially eliminated. Further, status information is available and automatically provided at the faulted machine *without the need for oral communication with personnel* at the machine site. This provides improved customer satisfaction and can contribute to lower service costs.

From the foregoing, it is clear the *Ulinski* teaches away from “oral communications” between a customer and a customer support representative given that, in *Ulinski*’s opinion, such oral communications may result in “errors.” Moreover, it appears that *Ulinski* believes that not providing customer service representatives (whom you presumably would need to pay) can “contribute to lower service costs.” It is clear that the *Peters* reference is not properly combinable with the *Ulinski* reference, at least from the standpoint of teaching modification of the *Ulinski* system to provide communication between customers and customer support representatives. As is well established in the law, “[t]here is no suggestion to combine . . . if a reference teaches away from its combination with another source . . . A reference may be said to teach away when a person of ordinary skill, upon

reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant . . .” *Tec Air, Inc. v. Denso Manufacturing Michigan Inc.*, 192 F.3d 1353, 52 USPQ2d 1294 (Fed. Cir. 1999). It therefore follows that the proposed combination of the *Ulinski* and *Peters* references is improper and that the rejection should be withdrawn. The Advisory Action provides the following response to the above assertion (page 3):

In response to applicant’s argument that *Peters* is not properly combinable with *Ulinski*, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Applicant respectfully submits that the above response still ignores the simple fact that oral communication is discouraged in *Ulinski*. The Office “must consider the reference in its entirety, and cannot ignore those portions of the reference that argue against obviousness.”

See *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1550, 220 USPQ 303, 311 (Fed. Cir. 1983), cert. denied, 105 S. Ct. 172 (1984). Applicant notes that the Supreme Court has held that “teaching away” from the claimed invention by the prior art is one important indicium of nonobviousness. *U.S. v. Adams*, 383 U.S. 39, 148 USPQ 479 (1966). The Federal circuit has also held that “teaching away” is strong evidence of nonobviousness. *In re Hedges*, 783 F.2d 1038, 1041, 228 USPQ 685, 687 (Fed. Cir. 1986). Such teaching away should be weighed heavily in determining the nonobviousness of claim 1.

For at least the forgoing reasons, the proposed combination of *Ulinski* and *Peters* is improper, and thus the rejection of claim 1 should be overturned.

Since claim 6 is dependent on claim 1, Applicant respectfully submits that the rejection to dependent claim 6 should be overturned for at least the reason that dependent claim 6 contains all elements of its respective base claim. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Additionally, dependent claim 6 is allowable on independent grounds. Specifically, neither *Ulinski* or *Peters*, alone or in combination, discloses, teaches, or suggests “permitting the customer support representative to change settings of the peripheral device while the communication link is active so that the user can confirm that the problem has been corrected before breaking contact with the customer service representative,” as recited in dependent claim 6. Because the reference fail to disclose, teach, or suggest the claimed features, the rejection of claim 6 should be overturned, independent of the Board’s review of claim 1 above.

With regard to claim 21, it is clear that the method described in claim 21 is directed to providing customer support in the form of communication between a user and a customer support representative. *Ulinski* system does not provide that type of customer support. Because the *Ulinski* system is an automated system in which the machine user “interacts” with a computer instead of a customer support representative (*i.e.*, a human being), it is clear that *Ulinksi* does *not* disclose, teach, or suggest any of “establishing a communications link between a customer support representative”, “transmitting communications of the customer support representative to the user while the user is at the peripheral device via the customer support unit”, or “transmitting communications of the user to the customer support representative while the user is at the peripheral device via the customer support unit,” as are required by claim 21.

The Advisory Action also acknowledges this distinction on Page 2, section 1 (emphasis

added) by noting that “the previous Office action clearly state that *Ulinski* teaches to establish a communication link between the customer support representative site...”

Applicant also contends that the combination of *Ulinski* and *Peters* is improper. As explained above, the combination is not proper given that *Ulinski* actually *teaches away* from facilitating communications between a customer and a customer support representative. From the specification excerpt of *Ulinski* provided above in association with the arguments supporting claim 1, it is clear the *Ulinski* teaches away from “oral communications” between a customer and a customer support representative given that, in *Ulinski*’s opinion, such oral communications may result in “errors.” Moreover, it appears that *Ulinski* believes that not providing customer service representatives (whom you presumably would need to pay) can “contribute to lower service costs.” It is clear that the *Peters* reference is not properly combinable with the *Ulinski* reference, at least from the standpoint of teaching modification of the *Ulinski* system to provide communication between customers and customer support representatives.

For at least the forgoing reasons, the proposed combination of *Ulinski* and *Peters* is improper, and thus the rejection of claim 21 should be overturned.

Since claim 22 is dependent on claim 21, Applicant respectfully submits that the rejection to dependent claim 22 should be overturned.

B. Discussion of Independent Claims 15, 20, and Dependent Claims 17 and 19

Applicant’ s independent claims 15 and 20 describe systems for providing customer support to a peripheral device user. Specifically, those claims provide (emphasis added):

15. A system for providing customer support to a user of a peripheral device, comprising:

a web server module of the peripheral device that is adapted to collect information as to the status and settings of the peripheral device

and generate web pages containing the status and setting information;

a customer support unit that is adapted to be integrated with and electrically connected to the peripheral device, the customer support unit comprising a speaker and a display that are adapted to present audio and video data of a customer support representative to the user and a microphone and video camera that are adapted to capture audio and video data of the user, the customer support unit being configured to receive a request from a user to contact a customer support representative and establish a communication link between the user and the customer support representative; and

network interface devices that are adapted to transmit and receive communications between the user and the customer service representative across a network;

wherein the user can communicate with the customer support representative via the customer support unit while the customer support representative reviews the status and settings information of the peripheral device that the customer support representative obtained from a web page generated by the web server module, such that the support representative can provide a recommendation to the user via the customer support unit based on the obtained status and settings information.

20. A printer, comprising:

a web server module that is adapted to collect information as to the status and settings of the printer and to generate web pages containing the status and settings information;

a speaker configured to present audio data of a customer support representative to a user;

a display configured to present video data of the customer support representative to a user;

a microphone configured to capture audio data of the user; and

a video camera configured to capture video data of the user;

wherein the user can communicate with the customer support representative using the speaker, display, microphone, and video camera while the customer support representative reviews the status and settings information of the peripheral device that the customer support representative obtained from a web page generated by the web server module, such that the support representative can provide a recommendation to the user based on the obtained status and settings information.

As is described in relation to claims 1 and 21 above, *Ulinski* fails to teach facilitating communications between device users and customer support representatives. Moreover, the *Peters* reference is not properly combinable with the *Ulinski* reference for the purpose of suggesting modification of the *Ulinski* system to facilitate such communications because

Ulinski explicitly teaches away from such communications. Given those facts, the *Ulinski/Peters* combination does not render obvious any of “customer support unit comprising a speaker and a display that are adapted to present audio and video data of a customer support representative to the user and a microphone and video camera that are adapted to capture audio and video data of the user, the customer support unit being configured to receive a request from a user to contact a customer support representative and establish a communication link between the user and the customer support representative” or “wherein the user can communicate with the customer support representative” as are required by claim 15, or “a speaker configured to present audio data of a customer support representative to a user”, “a microphone configured to capture audio data of the user”, or “a video camera configured to capture video data of the user” as are required by claim 20. Applicant notes that *Lee* is not relied upon for, and does not teach, those limitations. Claims 15 and 20 are therefore allowable over *Ulinski/Peters/Lee* for at least these reasons.

The *Lee* reference is cited for the purpose of purportedly rendering obvious the addition of a web server module to a peripheral device. As is stated in the Office Action:

Lee teaches a customer support system using an Internet having a user computer including Internet communications means that can be connected to the customer support server through Internet (abstract) and a customer support engine for generated web pages containing status and setting information of the peripheral device . . .

Even assuming for purposes of argument that the above is true, *Lee*'s teachings would *not* render obvious a web server module provided in a “peripheral device” (claim 15) or a “printer” (claim 20). Specifically, none of the applied references provide a teaching as to incorporation of a web server into a peripheral device, such as a printer, for the purpose of

generating web pages containing status and setting information of the peripheral device. Applicant readily acknowledges that it is common to provide web servers in “computers” as is described by *Lee*. However, a teaching as to provision of a web server in a “computer” falls far short of anticipating the provision of a web server in a peripheral device to generate web pages of the status and settings of the peripheral device. Therefore, the addition of the *Lee* reference is insufficient to account for the explicitly recited “web server module” of claims 15 or 20.

The Advisory Action responds to this argument by stating as follows:

In response to applicant’s argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., to incorporation of a web server into a peripheral device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Independent claim 15 provides, in part, a web server module *of the* peripheral device. Applicant is unclear as to why a web server module is not understood from this claim language as being incorporated into the peripheral device, and in fact the plain language indicates that in this embodiment, the web server module is incorporated into the peripheral device. Further, independent claim 20 also provides that the printer *comprises a web server module*, another limitation clearly showing incorporation. In that the claim language is clear, and that the references do not disclose, teach, or suggest the claimed features, Applicant respectfully requests that the rejections to independent claims 15 and 20 be overturned.

In that claims 17 and 19 are dependent on independent claim 15, Applicant respectfully requests that the rejection to claims 17 and 19 be overturned.

C. Discussion of Dependent Claims 23 and 24

As is identified above, the *Ulinski/Peters* combination does not properly render independent claim 21 obvious. In that *Houghton* does not remedy the deficiencies of the *Ulinski/Peters* combination, Applicant respectfully submits that claims 23-24, which depend from claim 21, are allowable over the *Ulinski/Peters/Houghton* combination for at least the same reasons that claim 21 is allowable over *Ulinski/Peters*. Thus, the rejection to claims 23 and 24 should be overturned.

D. Discussion of Independent Claim 25 and Dependent Claims 26-28

Applicant's independent claim 25 describes (with emphasis added):

25. A peripheral device, comprising:
a scanner;
an embedded web server configured to collect and post peripheral device configuration information; and
a customer support unit configured to facilitate communications between a peripheral device user at the peripheral device and a customer support representative, the customer support unit including a microphone that collects voice data of the user, a speaker that emits voice data of the representative, and network interface devices that enable transmission of the data between the user and the representative.

Applicant objects to the unwarranted interpretation of *Houghton*'s programming controller as comprising an "embedded web server". Clearly, *Houghton*'s mere recital of a "system controller" does not equate to disclosure of an "embedded web server". Applicant notes again that the Examiner is ignoring the well-established, plain meaning of an explicit claim limitation. As is defined by Webopedia (www.webopedia.com), a web server is:

A computer that delivers (*serves up*) Web pages. Every Web server has an IP address and possibly a domain name. For example, if you enter the URL <http://www.pcwebopedia.com/index.html> in your

browser, this sends a request to the server whose domain name is *pcwebopedia.com*. The server then fetches the page named *index.html* and sends it to your browser . . .

Houghton neither describes his programming controller as a “web server” nor a functionality of the programming controller that would qualify the controller as a web server.

In particular, *Houghton*’s programming controller does not “serve up” Web pages so that another can access those pages using a browser. The Examiner’ s interpretation of *Houghton*’ s programming controller is completely unfounded and is therefore clearly improper.

Regarding the combination with the *Peters* reference, Applicant questions the reasoning used to form the rejection. The Office Action states:

Houghton differs from the claimed invention in not specifically teaching the customer support unit configured to facilitate communications between a peripheral device user at the peripheral device and a customer support representative. However, it is old and notoriously well known in the art of user the customer support unit configured to facilitate communications between a peripheral device user at the peripheral device and a customer support representative upon the peripheral device user’ s discovery of a problem of the peripheral device, for example, see *Peters*.

In view of the above, it appears that the Office Action is expressing that, although *Houghton* discloses no “customer support unit,” it is just obvious to use “the” unit and therefore would have been obvious to provide such a unit on the *Houghton* facsimile machine, as is supposedly evidenced by the *Peter*’ s teachings as vending machines. Clearly, this logic is flawed. Applicant notes that use of an audio communications system in a vending machine does not provide evidence of the alleged obviousness of using a customer support unit on a facsimile device. Moreover, if such use is so “notoriously well known,” surely the Examiner can identify a reference that *actually teaches* such use in relation to a peripheral device as opposed to a vending machine. If not, rejection should be overturned.

The Advisory Action provides the following in response to this argument:

..it is noted that Peters teaches that various changes in forms, details and applications can be made in his invention without departing from the spirit and scope of the invention (col. 19 lines 46-52). Thus, one skilled in the art would recognizes[sic] to apply the use of the customer support unit for providing audio and video communication on a facsimile device instead of a vending system as taught by Peters.

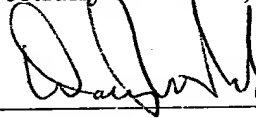
Applicant disagrees, and believes the Examiner to be engaging in improper hindsight reasoning to establish a connection between facsimile devices and vending systems. Thus, Applicant respectfully requests that the rejection to independent claim 25, and corresponding dependent claims 26-28 be overturned.

VIII. CONCLUSION

Based upon the foregoing discussion, Applicants respectfully request that the Examiner' s final rejection of claims 1, 6, 15, 17, and 19-28 be overruled by the Board, and that the application be allowed to issue as a patent with all pending claims 1, 6, 15, 17, and 19-28.

Please charge Hewlett-Packard Company' s deposit account 08-2025 in the amount of \$330 for the filing of this Appeal Brief. No additional fees are believed to be due in connection with this Appeal Brief. If, however, any additional fees are deemed to be payable, you are hereby authorized to charge any such fees to deposit account No. 08-2025.

Respectfully submitted,



David Rodack
Reg. No.: 47,034



IX. CLAIMS - APPENDIX

1. A method for providing customer support to a peripheral device user, comprising the steps of:

receiving a request from a user to contact a customer support representative with a customer support unit integrated with a peripheral device that is one of a printer, photocopier, facsimile machine, scanner, digital sender, or multifunction peripheral;

establishing a communications link between the customer support representative and the user with the customer support unit;

transmitting audio and video communications between the customer support representative and the user while the user is at the peripheral device via the customer support unit; and

presenting status and settings information from the peripheral device to the customer support representative while the communications link is active to enable the customer support representative to consult the user as to how the user can correct a problem with the peripheral device.

6. The method of claim 1, further comprising the step of permitting the customer support representative to change settings of the peripheral device while the communications link is active so that the user can confirm that the problem has been corrected before breaking contact with the customer service representative.

15. A system for providing customer support to a user of a peripheral device, comprising:

a web server module of the peripheral device that is adapted to collect information

as to the status and settings of the peripheral device and generate web pages containing the status and setting information;

a customer support unit that is adapted to be integrated with and electrically connected to the peripheral device, the customer support unit comprising a speaker and a display that are adapted to present audio and video data of a customer support representative to the user and a microphone and video camera that are adapted to capture audio and video data of the user, the customer support unit being configured to receive a request from a user to contact a customer support representative and establish a communication link between the user and the customer support representative; and

network interface devices that are adapted to transmit and receive communications between the user and the customer service representative across a network;

wherein the user can communicate with the customer support representative via the customer support unit while the customer support representative reviews the status and settings information of the peripheral device that the customer support representative obtained from a web page generated by the web server module, such that the support representative can provide a recommendation to the user via the customer support unit based on the obtained status and settings information.

17. The system of claim 15, wherein the network interface devices include a modem adapted for transmitting and receiving communications across the Internet.

19. The system of claim 15, further comprising a communications module that is adapted to facilitate communications between the system and a customer support representative.

20. A printer, comprising:

a web server module that is adapted to collect information as to the status and settings of the printer and to generate web pages containing the status and settings information;

a speaker configured to present audio data of a customer support representative to a user;

a display configured to present video data of the customer support representative to a user;

a microphone configured to capture audio data of the user; and

a video camera configured to capture video data of the user;

wherein the user can communicate with the customer support representative using the speaker, display, microphone, and video camera while the customer support representative reviews the status and settings information of the peripheral device that the customer support representative obtained from a web page generated by the web server module, such that the support representative can provide a recommendation to the user based on the obtained status and settings information.

21. A method for providing customer support to a peripheral device user, comprising:

receiving a customer support request from a peripheral device user input by the user into the peripheral device that is one of a printer, photocopier, facsimile machine, scanner, digital sender, or multifunction peripheral;

establishing a communications link between a customer support representative and

the user with a customer support unit that is integrated with the peripheral device in response to the received support request;

providing configuration information about the peripheral device to the customer support representative while the communications link is active, the information being provided directly by the peripheral device;

transmitting communications of the customer support representative to the user while the user is at the peripheral device via the customer support unit; and

transmitting communications of the user to the customer support representative while the user is at the peripheral device via the customer support unit.

22. The method of claim 21, wherein transmitting communications comprises transmitting audio and video data.

23. The method of claim 21, wherein providing configuration information comprises posting the configuration information to a web page using an embedded web server of the peripheral device.

24. The method of claim 23, further comprising permitting the customer support representative to change a setting on the peripheral device remotely.

25. A peripheral device, comprising:

a scanner;

an embedded web server configured to collect and post peripheral device configuration information; and

a customer support unit configured to facilitate communications between a peripheral device user at the peripheral device and a customer support representative, the customer support unit including a microphone that collects voice data of the user, a speaker that emits voice data of the representative, and network interface devices that enable transmission of the data between the user and the representative.

26. The device of claim 25, wherein the embedded web server is configured to receive remote commands transmitted by the representative to change settings on the peripheral device.

27. The device of claim 25, wherein the customer support unit further comprises a camera that collects video data of the user.

28. The device of claim 25, wherein the customer support unit further comprises a display that displays video data of the representative.

X. EVIDENCE - APPENDIX

(None)

XI. RELATED PROCEEDINGS - APPENDIX

(None)